



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.               | CONFIRMATION NO. |
|---|-------------|-------------------------|-----------------------------------|------------------|
| 10/792,361  | 03/03/2004  | Robert Joseph Panek JR. | TCO1-102US2                       | 4248             |
| 23122   | 7590        | 02/20/2007              |                                   |                  |
| RATNERPRESTIA<br>P O BOX 980<br>VALLEY FORGE, PA 19482-0980 |             |                         | EXAMINER<br>CASTELLANO, STEPHEN J |                  |
|   |             |                         | ART UNIT                          | PAPER NUMBER     |
|   |             |                         | 3781                              |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE                      |             | MAIL DATE               | DELIVERY MODE                     |                  |
| 3 MONTHS  |             | 02/20/2007              | PAPER                             |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/792,361

Applicant(s)

PANEK, ROBERT JOSEPH

Examiner

Stephen J. Castellano

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 17-27 and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17-2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 17-19, 23, 24, 33-35 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Sosan.**

Sosan discloses a carrier configured to hold an inner container, the carrier comprising a body adapted to receive an inner container and an elongate arm (push rod 46) coupled to the body through a hood (upper portion 24) for reciprocal extension along an axis of the arm between an extended (door closed) and a retracted (door opened) positions with respect to the body, the arm being adapted for engagement with the door in the upper surface of the inner container, the reciprocal extension of the arm being adapted to reciprocate the door of the inner container in the direction of said axis between opened and closed positions.

The flexible member is a cable (30) and has a tension applying lever (foot pedal 28) pivotally coupled to the body. The biasing member is a spring (52).

Re claims 17, 33 and 39, the first portion of the arm as shown in Fig. 3 is the longitudinal portion of push rod 46 which contacts the transverse extending portion that engages the guide rods 50 so that the first portion is coupled to the hood by being connected to the transverse portion, guide rods, and body 48 which is mounted to the underside of the hood 24, the longitudinal axis of the arm is parallel to the reciprocal movement, the second portion of the arm is the forward tip or forward free end of the arm which has a generally arcuate surface which is

Art Unit: 3781

at an angle (the closer to the forward end the closer the angle is to 90 degrees) with respect to the longitudinal axis of the arm and is configured to engage a surface of the door.

Re claims 23 and 40, the body portion has four upright panels forming a wall (peripheral wall), the wall encloses and defines a cavity sized to receive a container, the entire wall being substantially hollow because it forms a cavity, the cable 42 and the cable sheath 30 are flexible members coupled to the arm to facilitate reciprocal movement of the arm and the flexible members extend through an interior of the hollow portion of the peripheral wall of the body portion.

Re claims 19 and 33, hood (upper portion 24) is pivotally coupled to the body.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 20-22, 25-27 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosan.**

Re claims 20, 25 and 36, Sosan discloses the invention except for the arm locking member. Official notice was taken that arm locking members are well known in the Office action mailed July 5, 2006. The Official notice has not been challenged and is now being treated as a prior art admission. It would have been obvious to add an arm locking member to prevent the opening of the door.

Re claims 21, 26 and 37, Sosan discloses the invention except for the hood key lock. Official notice was taken that hood key locks are well known in the Office action mailed July 5,

Art Unit: 3781

2006. The Official notice has not been challenged and is now being treated as a prior art admission. It would have been obvious to add a hood key lock to prevent the opening of the hood to restrict access to the contents.

Re claims 22, 27 and 38, Sosan discloses the invention except for the locking bracket. Official notice was taken that locking brackets for pivoting levers are well known in the Office action mailed July 5, 2006. The Official notice has not been challenged and is now being treated as a prior art admission. It would have been obvious to add a locking bracket to prevent the opening of the door or any actuating movement.

Claims 1-16 and 28-32 are allowed.

Applicant's arguments with respect to claims 17-27 and 33-42 have been considered but are moot in view of the new explanation of the same ground(s) of rejection. The references are the same but needed to be applied in a different manner due to applicant's amendment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3781

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535.

The examiner can normally be reached on increased flexibility plan (IFP).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc